

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 29223 of 2007(D)

PETITIONER:

ANTHONY, AGED 65 YEARS,
S/O. DEVASSY, CHETTIKULAM HOUSE
KODASSERY VILLAGE, THRISSUR DT.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS:

1. GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, THRISSUR.
2. DEPUTY TAHASILDAR (RR)
MUKUNDAPURAM TALUK, IRINJALAKUDA,
3. VILLAGE OFFICER,
KODASSERY VILLAGE, THRISSUR DT.
4. KOTHA,
W/O. LATE AYYAPPAN, PALIYANKARA HOUSE,
METTIPPADAM, KODASSERY, THRISSUR DT.

BY GOVERNMENT PLEADER SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 29223/2007

Dated this the 19th day of October, 2007

JUDGMENT

The prayer sought for in this writ petition is to direct the first respondent to issue an assessment order, if any, to the petitioner and quantify his liability for royalty with notice to him. Petitioner also seeks to quash Exts.P2 and P3 proceedings for realisation of the royalty from him.

2. It is the contention of the petitioner that he was never operating a quarry as now alleged by the respondents. According to him, he was only a worker in a quarry operated by the fourth respondent and her deceased husband. It is also contended that despite this, he is now proceeded against on the basis that he is liable to pay the royalty that is payable.

3. Learned Government Pleader, on instructions, submit that the quarry in question was in fact operated by the petitioner and that is the information they could gather on an inspection at the site. According to him, it is on that basis proceedings were initiated against the petitioner. Learned Government Pleader also submits that

the petitioner has done the quarrying without obtaining any licence in his name.

4. As a matter of fact, if the petitioner was running quarry as is now found out by the respondents 1 to 3, he cannot be allowed to escape from the liability. However petitioner can be made liable only in a proceedings with notice to him. In any case, I am not prepared to hold that the petitioner is not liable for any amount. If, according to the petitioner, there has not been any quantification as now contended by him, it is open to the petitioner to approach the respondents 1 to 3 with a representation in that behalf, in which event, they shall consider the same and pass appropriate orders.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrccs